

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, MARCH 11, 2003
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by President Donna Horn at 9:30 a.m.

The following Board members were present: Donna Horn, R.Ph., Pres., Karen M. Ryle, R.Ph., MS, Marilyn M. Barron, MSW, Public Member, Robert P. Paone, R.Ph., Pharm.D. and James T. DeVita, R.Ph. Absent: Dan Sullivan, R.Ph. and Harold B. Sparr, R.Ph., MS.

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., Susan Manning, J.D., Counsel, James D. Coffey, R.Ph., Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1. 9:30 a.m. Call to Order.
Business Meeting.
2. 9:35 a.m.
Review of Board Minutes.-Tabled
3. 9:45 a.m. -10:15 a.m.
Review and discussion of "Overview of Mandatory Patient Counseling" prepared by Christina Rooney, N.U. School of Pharmacy Extern.

Rooney provided an overview of mandatory counseling requirements in 18 states. She noted that research indicated that most patients read at a 5th grade level; however, majority of patient information leaflets are written at 11th to 14th grade levels.

The Board requested that a follow-up project (extern) focusing on how mandatory patient counseling was facilitated by the states reviewed. Pres. Horn requested project follow-up in the following areas: To develop collaborative practice regulations, survey other states regulatory models for mandatory patient counseling regulations, develop patient counseling area regulations, review mandatory patient counseling outcomes documentation specific to medication compliance/adherence rates; and follow up with the Maine Board of Pharmacy regarding patient counseling regulations.

4. 10:15 a.m.-11:30 a.m.
Administrative Business Items.

A) Discussion related to Robert A. Mastico, Ph.D. request for Advisory Opinion relating MA pharmacist licensure eligibility. After review of degree, Board determined that Dr. Mastico must qualifying degree in pharmacy from an ACPE/Board approved college of pharmacy.

B) Report of Special Committee-District I NABP/AACP NABP

Dr. Paone expressed concern that meeting planners should be sensitive to the cost issues associated with meeting attendance.

In addition, the Board offered the following planning/meeting suggestions: to expand the open session discussion / support for college/school student participation / registration fees should reflect the cost of conducting the official program and should be kept to a minimum / support for both primary and secondary lodging accommodations due to limited Board financial resources (consider whether lodging rates include both meeting space and meals) / support effort to maintain an expense cap / lack of support for restricting dinner location / and support for CE meeting programs.

C) Clinical Supplies Management Inc. correspondence regarding a non-resident operation - OR pharmacists propose to provide pharmaceutical care to MA patients enrolled in clinical trials. Exec. Dir. Young noted if the described activity was part of an approved protocol, Board would have no jurisdiction. Young will confer with Dr. Carrow (DPH/DCP).

D) Discussion related to CDC Mortality and Morbidity Weekly Report-Exophiala Infection From Contaminated Injectable Steroids Prepared by a Compounding Pharmacy (as may relate to the development of compounding guidelines).

Karen Ryle noted sterile product preparation is addressed in draft document.

E) Discussion related to Stop & Shop request to relocate Board approved pilot project from Stop & Shop #85, 940 West Boylston Street, Worcester TO Stop & Shop #37, 541A Lincoln Street, Worcester.

Motion/Ryle to approve. Second/Paone. The motion carried.

F) Correspondence from Martin Crane, M.D., Chair, Board of Registration in Medicine re: Patient Care Assessment (PCA) Committee delegate.

Pres. Horn is the Board PCA delegate. Dr. Paone is the alternate delegate.

G) Discussion related to MA NARAL request for Board support regarding a draft statement encouraging pharmacists to stock emergency contraception. Exec. Dir. Young noted that the Board has received no complaints to date regarding lack of access to emergency contraception. The Board expressed support for educational outreach programs for pharmacists on this topic. The Board declined to support the proposed draft statement provided by MA NARAL.

H) NABP correspondence regarding Delegate's Certification for NABP's 99th Annual Meeting- May 3-7, 2003, Philadelphia, Pennsylvania.

Vote for Delegate: Motion/Ryle for Dr. Paone to act as Board Delegate.

Second/Horn. The motion carried.

Vote for Alternate Delegate: Motion/Ryle for Harold Sparr to act as Alternate Board Delegate. Second/Horn. The motion carried.

I) Discussion related to ACPE correspondence regarding "Invitation to Comment: Education and Training of Pharmacy Technicians. Request that the matter placed on the May 13, 2003 agenda..

J) Boston Medical Center request for a 30-day extension for Pharmacy Technician Registration.

Motion/DeVita to approve the 30-day extension. Second/Horn. The motion carried.

K) Discussion with Board counsel regarding pending legal matters and other.

Board counsel overview of Barbara Rafferty pharmacy technician application - approved.

Motion/DeVita to convene Exec. Session. Second/Paone. The motion carried.

Motion/Horn to exit Exec. Session. Second/Ryle. The motion carried.

Return to Open Session at 11: 15 a.m.

In the matter of PH-00-121, Registrant, Phillip S. Fontana (License No. 16162)

Recused: Jim DeVita (exited conference room)

Motion/Paone to resolve by proposing Censure and completion of two hours of "Pharmacy Law & Ethics" CE in 60 days. Second/Ryle. The motion carried.

L) OxyContin® update-Board staff. Draft letter of concern forwarded to DPH for review and comment.

M) Board review of application Pharmacy Technician Registration (Heather Norcross). Misdemeanor.

Motion/Horn to approve the application for pharmacy technician registration provided official court record is provided. Second/Paone. The motion carried.

N) NABP correspondence regarding Resolution No. 97-2-2001: Task Force to Study the Electronic Transmission of Prescriptions and Prescription Information via Electronic Devices.

Motion/DeVita to forward a letter to NABP in favor of removing barriers to electronic transmission of prescriptions and continue the outlined initiative. Second/Ryle. The motion carried.

5. 11:30 a.m. to 12:00 a.m.

IVPCare, Inc.-Application for a new pharmacy department to be located at 264 West Cummings Park, Woburn, MA 01801. Proposed Manager of Record - T. DeWayne Manning, R.Ph., Sr. V.P. Operations, License No. 24031/ Exp. 12/31/2004.

Review of an application for licensure as a pharmacy department.

CE: 2001 (6 CE's) non-compliant and 2002 (25 CE's) compliant. The Board requested Manning to forward 27 additional CE's to the Board within 60 days.

Mr. Manning said the pharmacy department planned to provide service three disease states to include infertility medications. Manning suggested that the majority of prescriptions would be received by telephone and or facsimile but stipulated that the pharmacy would service walk in-patients. Manning stated the pharmacy would provide a toll free telephone number to mail order patients for access to counseling.

Manning said that a pharmacist is on call at all times after hours.

Manning stated that there are no plans for the proposed pharmacy to engage in sterile intravenous admixture compounding but rather compounding of progesterone suppositories. Manning said that IVPCare, Inc. planned to open the pharmacy with a restricted inventory but is willing to obtain a general representative inventory if required by the Board. Exec. Dir. Chuck Young reviewed waiver petition requirements. Manning stated that he is listed as the Manager of Record on the application for a temporary period since he resides in Texas.

6. 12:00 p.m. to 1:30 p.m.
Lunch.

7. 1:30 p.m. to 2:00 p.m.
In the matter of Lacey C. Nice, applicant for Pharmacy Technician Registration.

The purpose of the meeting was to discuss the merits of an application for Pharmacy Technician Registration.

Board counsel application overview.

Ms. Nice described the circumstances surrounding her 1995 conviction, when she was 18 years old. She later graduated from high school, got married and had a son, and lives in her own house. She works both as a nurses aide and as a pharmacy technician (Stop & Shop Pharmacy - formerly employed at Sedells Pharmacy). Nice said she has worked in the pharmacy department full time for nearly 2 years.

Motion/Paone to approve the application. Second/DeVita. The motion carried. Jim DeVita discussion item related to the need for applicant probation. Second/Ryle. Vote: In support; Paone, Ryle, DeVita, Barron and Horn, Opposed; none. The motion carried.

8. 2:00 p.m. to 2:15 p.m.
Pharmacy Technician Registration Update-Assoc. Dir. James D. Coffey

Motion/Horn to extend Board approval for the MPHA Pharmacy Technician Assessment Examination for at least another six months. Second/Ryle. The motion carried.

Jim DeVita expressed interest in participating in a DPH work group related to description of pharmacy technician roles and responsibilities.

9. 2:15 p.m. to 2:45 p.m.
Continuous Quality Improvement Discussion.

Review of a community pharmacy CQI report.

Board Quality Assurance Surveyor: Arthur J. Chaput, R.Ph., Pharm. D.

10. 2:45 p.m. to 3:00 p.m.

Board review of 2001 & 2002 Continuing Education Audit Documentation.

11. 3:00 p.m. to 3:15 p.m.

Board staff DPH Transition Update-Assoc. Dir. James D. Coffey

April meeting agenda items: Draft Compounding Regulations / Best Practice Recommendations & IVPCare, Inc. pharmacy application.

12. 3:15 p.m.

Motion/Horn to adjourn. Second/Ryle. The motion carried.

Meeting adjourned.

Respectfully submitted by:

 10/09/03
Executive Director Date

Charles Young
Printed Name

Reviewed by counsel: September 2, 2003

Draft approved: September 2, 2003

Board adopted: September 9, 2003

EXECUTIVE SESSION MINUTES

Time 11:10 a.m.

In the matter of PH-00-121, Registrant, Phillip S. Fontana (License. No. 16162)

Recused: Jim DeVita (exited conference room)

Board counsel overview. Counsel informed the Board that the Registrant did not respond to the sanction hearing. Counsel advised that Board needed to decide upon an appropriate sanction.

Motion to return to Open Session: 11:15 a.m.